

NANCY E. CIPRIANI, )  
 )  
 Plaintiff, )  
 )  
 v. ) CASE NO.  
 ) 1:19-cv-03424-MLB-LTW  
 BED, BATH & BEYOND, INC. )  
 )  
 Defendant. )  
 )

Defendant Bed, Bath & Beyond, Inc., (“Defendant”), by and through its undersigned counsel, answers Plaintiff’s Complaint (“Complaint”) as follows:

1. Admitted, but Defendant denies that Plaintiff is entitled to any remedy or relief.

## PARTIES

4. Admitted that Plaintiff has listed the address for Defendant's location where she is currently employed.

### **LOCATION AND TIME**

5. Not applicable.

6. Denied.

### **ADMINISTRATIVE PROCEDURES**

7. Defendant admits only that Plaintiff filed a Charge of Discrimination with the EEOC on or about June 3, 2019.

8. Defendant is without knowledge or information sufficient to form a belief as to the date(s) when Plaintiff received a Notice of Right-to-Sue from the EEOC.

9. Not applicable.

10. Not applicable.

11. Not applicable.

### **NATURE OF CASE**

12. Denied.

13. Denied.

14. Denied.

15. Admitted.

16. Denied.

17. Defendant admits that Plaintiff has requested a jury trial.

## **REQUEST FOR RELIEF**

Defendant denies that Plaintiff is entitled to any remedy or relief.

## **AFFIRMATIVE AND OTHER DEFENSES**

### **FIRST DEFENSE**

Plaintiff's Complaint is barred, in whole or in part, to the extent Plaintiff failed to timely exhaust all applicable administrative remedies or otherwise satisfy all conditions precedent and/or statutory and jurisdictional prerequisites to suit.

### **SECOND DEFENSE**

Plaintiff is not covered by the Americans with Disabilities Act.

### **THIRD DEFENSE**

All actions affecting Plaintiff and/or the terms or conditions of her employment were taken for legitimate, non-discriminatory reasons and, as such, did not violate any legal rights possessed by Plaintiff.

### **FOURTH DEFENSE**

At all times, Defendant acted in accordance with and in good faith compliance of federal and state law.

### **FIFTH DEFENSE**

Plaintiff's claims may be barred, in whole or in part, by the after-acquired evidence defense.

## **SIXTH DEFENSE**

Because Plaintiff's Complaint is phrased in conclusory terms, Defendant cannot fully anticipate all defenses that may be applicable to this action. Accordingly, Defendant reserves the right to amend or add any additional defenses or affirmative defenses or counterclaims which become known during the course of this action.

WHEREFORE, having fully answered the Complaint, Defendant respectfully requests that:

- A. Judgment be entered in its favor and Plaintiff's claims be dismissed with prejudice;
- B. Judgment be entered against Plaintiff and in favor of Defendant for all attorneys' fees and costs incurred in this action; and
- C. Defendant have and recover such other and further relief as the Court may deem just and proper.

Respectfully submitted this 22<sup>nd</sup> day of August, 2019.

/s/ C. Todd Van Dyke

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